



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO. 08/253,995	FILING DATE 05/21/97	FIRST NAMED INVENTOR HEMFLEMAN	ATTORNEY DOCKET NO. 14
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LM01/0126
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EXAMINER

KINDRED, A

ART UNIT	PAPER NUMBER
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2776

DATE MAILED: 01/26/99⁹

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/859,995

Applicant(s)

Hempleman et al.

Examiner

Kindred

Group Art Unit

2776



☒ Responsive to communication(s) filed on 5-21-97

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 30-37 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 30-37 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 10/22/98.
2. Claims 30-37 are pending. Claims 30, 33, and 35 are independent claims.
3. The present title of the application is "List building system."

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geddes, U.S. Patent Number 4,647,989, 03/87, filed 03/1983, class 360/55, title "Video cassette selection machine"

With respect to independent claim 30, Geddes discloses "a graphical display" ("the currency monitor by which the machine control system determines . . ."--column 2, line 53) "a data base for storage of a media inventory including at least audio items" ("an automated method

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of selecting, in random order, any of the singular cassettes contained within the cassette library . . .”--column 2, line 18) “a processor, coupled to the display and the data base with a plurality of instructions executable by the processor wherein some of the instructions present on one part of the display at least a part of a media inventory listing of at least the stored audio items, from which a user can select a plurality of items to be presented and wherein others of the instructions enable the user to select a named, prestored play list and display at least part of the selected list”(“an automatic coin operated video cassette library retrieval and playback system for user controlled retrieval and play back of pre-recorded video cassettes . . .”--column 9, line 14) additional instructions enabling the user to select at least one entry from the media inventory listing and insert the selected entry into the selected play list thereby creating a modified play list, including instruction enabling the use to save the modified play list and to designate a different named, play list to be displayed for and edited by the user” (“upon receipt of a signal form the coin unit 11, that coin input has been receiving, the system control unit 10 activates the select 12, which is composed of a signal lamp to notify the customer that section may proceed and also a set of pushbuttons that allows the customer to input the proper ordinate code, obtained from the title board 13, corresponding to the title of the desired program . . .”--column 3, line 53). Geddes does not disclose “display at least part of the selected list simultaneously on another part of the display.” It would have been obvious at the time of the invention for one of ordinary skill in the art to have embodied steps similar to the claimed simultaneously step for the following reasons. First, to display a selection from a data base source simultaneously on two or more display will

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allow those skilled in the art the ability to view and select multiple selections at the same time thereby increasing the odd of getting the selection of choice. Second, displaying selection information and instructions simultaneously on separate monitor is well-known in the art and it not expected that patents and product reviews would disclose such fine detail showing such steps as simultaneously displaying selection information.

With respect to dependent claim 32, Geddes discloses "instructions for displaying a plurality of pre-stored play lists and enabling a user to select and execute from the data base one of the displayed play lists independently of the sources of the media entries in the select lists" ("the function of the selector memory is to store, in selected random order, input selection ordinates received from the selector 12 and to dispense these input ordinates to the system control memory as they are required by the system control memory . . . provide additional playback of cassette . . ."--column 3, line 61).

With respect to independent claims 33 and 35, these claims are rejected on grounds corresponding to the arguments given above for rejected independent claim 30 and dependent 31-32. In independent claims 33 and 35, Applicant claims a method which contains steps corresponding to the system of rejected independent claim 30 and dependent claims 31-32.

Response to Amendment

6. Applicant's arguments in Amendment A filed on 10/22/98 have been fully considered but they are not deemed to be persuasive.

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Conclusion

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703)-308-9051 (**formal** communications intended for entry),

Or:

(703)-305-9724 (**informal** communications labeled **PROPOSED** or **DRAFT**).

Hand-delivered responses should be brought to:

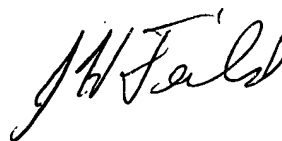
Sixth Floor Receptionist, Crystal Park II, 2121 Crystal Drive, Arlington, VA.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford Kindred, whose telephone number is (703)-305-3802 and can normally be reached Monday-Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi, can be reached at (703)-305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-3900.

AWK



JOSEPH H. FEILD
PRIMARY EXAMINER